

March 15, 2017

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Ms. Jocelyn Boyd
Chief Clerk and Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia SC 29210

Re: Application of WC Fiber, LLC, for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Interexchange Internet Protocol ("IP") Voice Services, and for Flexible Regulation of its Local Exchange Services and Alternative Regulation of its Interexchange Service Offerings Within the State of South Carolina

Dear Ms. Boyd:

Please find enclosed for filing on behalf of WC Fiber, LLC ("WC Fiber"), a Motion for Protective Treatment of Financial Statements as it relates to the Application for a Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange and Interexchange Internet Protocol ("IP") Voice Services, and for Flexible Regulation of its Local Exchange Services and Alternative Regulation of its Interexchange Service Offerings Within the State of South Carolina filed by WC Fiber.

Thank you for your assistance.

Sincerely,

McNAIR LAW FIRM, P.A.



Margaret M. Fox

MMF:khh

Enclosure: as stated

cc: Jeffrey M. Nelson, Esq.

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Post Office Box 11390
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**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-____-C**

IN RE:

Application of WC Fiber, LLC for a Certificate of)
Public Convenience and Necessity To Provide)
Facilities-Based And Resold Local Exchange and)
Interexchange Internet Protocol ("IP") Voice Services, and)
for Flexible Regulation of its Local Exchange Services and)
Alternative Regulation of its Interexchange Service)
Offerings Within the State of South Carolina)
_____)

MOTION FOR PROTECTIVE TREATMENT OF FINANCIAL STATEMENTS

WC Fiber, LLC ("WCFIBER" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, Commission Order No. 2005-226, and other applicable rules, statutes and regulations, hereby respectfully requests that the South Carolina Public Service Commission ("Commission") grant protective treatment of the materials accompanying this motion, which consist of the financial statements that are designated as "**Exhibit F**" to the Application of WCFIBER for a Certificate of Public Convenience and Necessity in the above-captioned matter. The financial statements accompany this motion under seal, and have been redacted from the publicly-filed version of the Application.

In support of this Motion, the Applicant provides the following:

1. The legal name, address and telephone number of the Applicant is:

WC Fiber, LLC
229 Highway 28 Bypass
Abbeville, South Carolina 29620

2. All correspondence, notices, inquiries and other communications regarding this Motion should be addressed to:

M. John Bowen, Jr.
Margaret M. Fox
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
Telephone: (803) 799-9800
Facsimile: (803) 753-3278
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3. S.C. Code Ann. § 58-9-280(B)(1) requires Applicant to demonstrate in its Application for a Certificate of Public Convenience and Necessity that it possesses financial resources sufficient to provide the services for which it requests authority. To satisfy this statutory requirement, Applicant is submitting audited financial statements of West Carolina Rural Telephone Cooperative, Inc., its ultimate parent company. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of West Carolina Rural Telephone Cooperative, Inc.

4. Applicant is under no legal obligation to submit the accompanying financial statements to any public entity, except on a protected basis.¹ As such, the accompanying financial statements are not readily available to persons outside West Carolina Rural Telephone Cooperative and its affiliated companies.

5. The financial statements submitted by Applicant in support of the Application contain confidential, proprietary, commercially-sensitive business and financial information from which Applicant's competitors may derive economic value. Applicant, therefore, seeks to protect these materials from public disclosure. Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding the financial condition of the company is unknown to its competitors. As such, the financial statements are a "trade secret" as that term is used in the South Carolina Trade Secrets Act, S.C. Code Ann. § 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors with an unfair competitive advantage.

6. Protection of such confidential and proprietary information is consistent with Commission precedent. *See, e.g.*, Order No. 2016-102-H in Docket No. 2016-321-C; *see also* Order No. 2010-314 in Docket No. 2008-184-A.

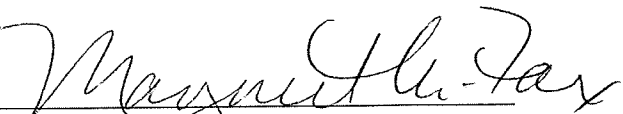
¹ For example, the Federal Communications Commission ("FCC") requires privately-held rate of return companies that are eligible telecommunications carriers ("ETCs") to file annual reports of the companies' financial condition and operations each year. *See* 47 C.F.R. § 54.313(f)(2). The FCC has recognized that there is a potential for competitors to use the submitted financial data of private rural rate-of-return carriers in an anticompetitive manner, and has allowed privately held ETCs to file the required financial data subject to a Protective Order. *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Fifth Order on Reconsideration, at para. 15 (rel. November 16, 2012); Protective Order, DA 12-1857 (Wireline Comp. Bureau, rel. November 16, 2012).

7. In accordance with the Commission's guidelines, as set forth in Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials," the accompanying confidential materials are being filed in a separate envelope, which is clearly marked "Confidential." Each confidential page of the materials is clearly marked "Confidential." The confidential materials have been redacted from the publicly-filed Application.

WHEREFORE, for the reasons stated herein, WCFIBER respectfully requests that the Commission grant this Motion for Protective Treatment of the financial statements attached as "**Exhibit F**" to the Application of WCFIBER in the above-captioned docket, which are being filed under seal along with this Motion.

Respectfully submitted,

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By: 
M. John Bowen, Jr.
Margaret M. Fox

ATTORNEYS FOR WC Fiber, LLC

Columbia, South Carolina

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WC FIBER, LLC

EXHIBIT F

Financial Statements

CONFIDENTIAL – FILED UNDER SEAL